

## APPENDIX C

### Comments Received

Two Rivers, LLC  
Elk River Mile 1.8L, Limestone County, AL  
File No. 2006-01721

**Entered in ENTRAC on 10/02/06**

SECTION 26a FILE 174717, CEC 13634 - COMMUNITY DAY-USE PIERS - BILLY CHRISTOPHER, TWO RIVERS, LLC, TWO RIVERS CONDOMINIUMS - ELK RIVER MILE 1.5L, WHEELER RESERVOIR - D-STAGE 164

Navigation Comment

Mr. Billy Christopher has submitted a proposal for Two Rivers, LLC, to construct two day-use piers to accommodate 61 condominium owners at the Two Rivers condominium complex located at Elk River mile 1.5L on Wheeler Reservoir. Two Rivers is also proposing 1/4 mile of shoreline stabilization and the fill of a sandy area to create a beach. Two Rivers will prohibit individual docks for condo owners.

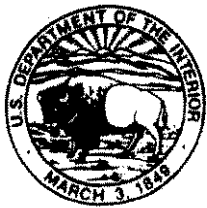
The two proposed day-use piers would consist of two 200' long by 9' wide piers with mooring for boats on a day-use basis. A roughly 60' wide by 60' long sundeck would be provided at the end of the piers. Total proposed lakeward extent would be 260'.

The Two Rivers' proposed piers would lie in the wide mouth of the Elk River away from the main navigation channel. Water depths are sufficient for boating in this area at summer pool elevations, but even at 200', winter pool depths are insufficient for boating. Minimal advantage would be gained by exceeding the TVA guideline of 150 feet. We therefore recommend issuance of this permit with the following conditions:

1. The maximum lakeward extent of the facilities should not exceed 150 feet from the normal summer pool elevation of 556 feet above mean sea level (msl).
2. The floor elevation of the fixed structures should be a minimum of 1.5 feet above the normal summer pool elevation of 556 feet above msl.
3. The piers should be lit with U.S. Coast Guard approved lighting.
4. The applicant is advised in writing that the facilities will be adjacent to a commercial navigation channel and recreational waters at a location which makes the facilities and any moored boats vulnerable to wave wash and possible collision damage from passing vessels.

MCK

cc: EDMS SP1 C  
Lisa Morris, USACE Nashville District Regulatory Office, Nashville, TN  
26a Memo/174717



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
1208-B Main Street  
Daphne, Alabama 36526

IN REPLY REFER TO:

2006-FA-0375

September 21, 2006

SEP 2006

District Engineer  
U.S. Army Corps of Engineers  
3701 Bell Road  
Nashville, Tennessee 37214

Attention: Ms. Lisa Morris

Dear Sir:

This is the report of the U.S. Fish and Wildlife Service (Service) concerning public notice 06-92, application no. 2006-01721, a joint public notice of the U.S. Army Corps of Engineers (Corps) and the Tennessee Valley Authority (TVA), in which the applicant, Two Rivers, LLC, is proposing to construct two fixed docks on steel piling with concrete decks for owners of a new adjacent 61 unit condominium complex. The fixed docks would extend approximately 260 feet from the normal summer pool (NSP) shoreline, Elevation 556. Both docks would consist of a 200 foot x 9 foot walkaway and a 60 foot octagon-shaped terminal end. The two docks would be spaced approximately 80 feet apart. Additionally, the applicant proposes to place approximately 1,775 linear feet of stone riprap along the shoreline for the purposes of shoreline protection. The riprap would be placed at Elevation 554 up to Elevation 558 and two areas along the shoreline recontoured with clean backfill material. The applicant also proposes to install a beach on an existing peninsula located on the subject residential property. The proposed project is located on the Elk River, a major tributary stream to the Tennessee River, at Elk River Mile 1.8, Left Bank, Wheeler Reservoir, near the City of Rogersville, Limestone County, Alabama.

This report is prepared in accordance with the requirements of the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), and Fish and Wildlife Coordination Act (16 U.S.C. 661-667e) and is to be used in your determination of 404 (b) (1) guidelines compliance (40 CFR 230) and in your public interest review (33 CFR 320.4) as they relate to protection of fish and wildlife resources.

Our evaluation of this project has included a review for Threatened and Endangered (T&E) species and/or their designated critical habitat in the proposed project area. According to our collection records, there are no known sites of T&E species or critical habitat in the proposed project site or in the vicinity (within a mile radius) of the project footprint. Past land management practices and the construction of Wheeler Dam on the Tennessee River have likely limited the potential for federally listed aquatic species to

[www.fws.gov](http://www.fws.gov)

PHONE: 251-441-5181



FAX: 251-441-6222

occupy this site or re-establish populations in this area. We note, however, that collection records available to the Service may not be all-inclusive, as our database is a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitats and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality.

Based on the best information available at this time and past surveys conducted in areas in close proximity to the proposed project, we believe that the requirements under Section 7 of the Endangered Species Act (ESA) of 1973, as amended, are fulfilled. Obligations under Section 7 of the ESA must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not considered, (2) the action is subsequently modified to include activities which were not considered in this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

As described, the applicant plans to place stone riprap along the shoreline for the purposes of stabilizing the banks and minimizing shoreline erosion. We recommend the applicant and Corps consider bioengineering methods to remedy existing and future shoreline erosion/sedimentation rather than the use of hardened structures such as stone riprap or bulkheads/seawalls. We recommend the peninsula area, planned as a beach, be stabilized with vegetation (e.g. native hardwood tree species such as oak, sycamore, hickory) rather than hauling in sand for its entire length. During over bank flooding events, which are not uncommon during the winter and spring months on Elk River, this area would be highly susceptible to erosion, increasing sedimentation and negatively impacting water quality conditions and aquatic habitat in the Elk River and Wheeler Reservoir.

Best management practices (BMPs) are essential in minimizing adverse impacts to fish and wildlife and plant resources. Therefore, BMPs and their appropriate use should be employed prior to and maintained throughout the duration of the project to avoid or minimize sedimentation and turbidity in Elk River and Wheeler Reservoir/Tennessee River during all phases of construction for this project. To further reduce sedimentation impacts to the Tennessee River, the Service recommends that the proposed activities occur during low water or normal winter pool (NWP) conditions. When practicable, shoreline stabilization activities should be conducted from the shore during NWP conditions to minimize sedimentation and turbidity in the Tennessee River. If shoreline stabilization activities involve the placement of stone riprap from a barge, we recommend the use of tug boats that have the capacity to direct propeller wash away from river bottom substrates to minimize substrate disturbance.

We appreciate the applicant's desire to create community dock facilities and concentrate the dock facilities to one area along the shoreline. In the future, if dredging is required at the community docks, the collective condominium owners (i.e. condominium owners association or the like) could seek one permit to accomplish maintenance dredging, thus

reducing costs on each owner and reducing environmental impacts to Elk River and the aquatic biota living therein.

Construction materials utilized in building the docks should be Environmental Protection Agency (EPA)-approved materials to ensure no adverse environmental impacts occur to the aquatic biota or water quality conditions in Elk River and Wheeler Reservoir. We recommend a sediment control plan be developed and erosion control measures (BMPs) in place prior to construction activities to minimize the potential for erosion and sedimentation to Elk River.

Within the last 3 years, we have reviewed a number of proposed boat docking facilities (including individual landowner and community dock facilities), marinas, or marina expansion proposals being considered on the Tennessee River within Alabama. Remaining consistent with our comments on those other proposals, we recommend the Corps and TVA; through their permit review or National Environmental Policy Act (NEPA) process, consider the actual need for new boat dock facilities, marinas, or expansion of existing marinas. We recommend these agencies base their permitting of such activities on the current public use of existing marina facilities located in the vicinity of this and future, similar proposed actions.

If after considering all comments on this project the Corps and TVA decide to permit the proposed action, the Service recommends strict adherence and proper implementation of BMPs during and following construction activities and throughout the lifespan of the project. Provided none of the three above mentioned ESA conditions occur, BMPs are fully implemented and maintained, and all appropriate permits are granted from the various state and federal agencies (e.g. NPDES permit, TVA 26A permit); the Service would have no objections to the proposed construction, operation, and maintenance of the proposed community dock facilities.

We appreciate the opportunity to comment on this project and request that we be kept informed of the proposed action. We look forward to working with you in the future. If you have any questions please contact Mr. Rob Hurt at (256) 353-7243, ext. 29.

Sincerely,



William J. Pearson  
Field Supervisor

cc: Ms. Heather Turner, TVA Watershed Team, Muscle Shoals, AL  
Ms. Kyla Gatlin, ADEM, Montgomery, AL  
Ms. Andrea Wade, EPA, Atlanta, GA  
Mr. James Cherry, ADCNR, Montgomery, AL  
Mr. Rob Hurt, USFWS, Decatur, AL

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**Morris, Lisa R LRN**

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**From:** robin burchfield [rockinrob35652@yahoo.com]  
**Sent:** Friday, September 08, 2006 8:34 PM  
**To:** Morris, Lisa R LRN  
**Subject:** Two Rivers Condo proposal

Nashville District Corps of Engineers

Regulatory branch,

3701 Bell Rd. , Nashville , Tn.37214

Attn: Lisa Morris,

I am opposed to the development of any docks and beaches being built on the Elk River especially from Hy 72 Bridge to the mouth of the Elk. The developer of Two Rivers Condos has done enough environmental damage in this area and building 2 docks 260 foot long and a beach will only create more problems for the Elk River. The River is too narrow in this area and navigation is already a problem due to limited sight around the island. Speaking of the island, TVA must think there is a problem with erosion because there is new riprap half way around it. If you take a ride you will see for yourself what has eroded on both sides of the Elk and straight across the Tennessee River. Our best fishing and spawning area is located right where the docks would be. Due to the massiveness of the Two Rivers Condos and The Pointe Subdivision I feel there is no need to give a permit. This destruction of fish and wildlife habitat, shoreline erosion and accretion, water quality, flood hazards, runoff pollution is not in the best interest of the people or the environment and has got to stop. The Corp would not let an individual build such an area, so why let someone with a little more money have special privileges? Who knows, a beach might be a good idea for the alligators to have a feeding area. I have photos of a couple seen on the Elk and just north of the Two Rivers Condos this year. I request a public hearing be held on this proposal. Please let me know by e-mail you receive this letter.

Robin Burchfield

1194 Barnett Rd.

Rogersville, Al.35652

256-762-7848

Rockinrob35652@yahoo.com

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(26)  
Susan Patterson  
100 Bluff Dr  
Nashville, TN 37214  
615-369-7504  
spatterson@comcast.net

9/19/06

Nashville District Corps. Of Engineers, Regulatory Branch  
3701 Bell Road  
Nashville, TN 37214  
Attn: Lisa Morris (615) 369-7504

Dear Ms. Morris:

We spoke yesterday evening, and I have since had a chance to obtain a copy via internet, of Public Notice 06-92.

After reviewing the diagram (Exhibit B File No 2006-01721 PN 06-92), it appears that the proposed two piers with octagon extensions will extend in a direction which would be not in a cove, but directly into the main river traffic area. Additionally, two piers versus one gives an enclosed feeling to the area, seeming to limit entrance and making the area seem "unapproachable".

I am opposed to the piers as proposed. Additionally, I am offended that "reasonable" public notice was not given, so that persons who are visually adjacent could not have full consideration of the project.

Please let me the results of the permit application, via e-mail.

Regards,



Susan Patterson

SEP 21 2006

Sept 18, 2006

Nashville District Corps of Engineers, regulatory branch  
Attn: Lisa Morris  
3701 Bell Road  
Nashville, Tenn., 37214

Dear Ms. Morris:

I am writing to oppose the impending permit for the Two River's Condominiums request to construct two 260 foot piers with an octagon boat dock. I am a resident of Lauderdale County and directly across the river from the complex. I first object to the fact that nobody in Lauderdale County has been notified. The only reason I even found out about this was due to a resident in Limestone County calling me to see if anyone in Lauderdale County had been notified. It is the residents of Lauderdale County that will be directly affected! Putting an article in the Athens (Limestone County) Alabama paper is not proper notification. I contacted various individuals that I am neighbors with and nobody had heard of this request. This request is as serious of an impact as the proposed Elk River Marina just a half a mile away. The residents of Elk River deserve a proper hearing regarding this issue so that the individuals that make this decision can get an informed view from the residents who will have to live with this project the rest of our lives.

Second, I am concerned about the length of the project and where it is located. Can we view the request on-line? Can we have a meeting to see what the proposed site will look like? I believe I would not be opposed if the length was changed. A slough is joining the site. Can they not develop this without having to take away a fourth of the main channel? This is an area that is frequented by numerous fishing tournaments that raise a large amount of money. I for see a wake zone being established at the mouth of the river. I would think that these piers will be an accident waiting to happen with the amount of boat traffic and the speed at which boats go in and out of Elk River. I also believe that the shoreline across the river on Lauderdale County will be changed due to the amount of riprap and dirt that will be added. At present, depending upon the height of the water level we have various debris that float from the channel side (Lauderdale) back and forth to the Limestone side. Debris in the winter months tends to stay on the Limestone side. If what is done as proposed, I believe that it will effect where the debris accumulate. Instead of harmlessly on the Limestone side where the channel does not flow, it will instead continue to float in the middle of the river or along the Lauderdale side.

Last, I believe that between the Elk River Marina project and this project being so close will forever change the face of Elk River. TVA has already had to have Riprap put around the island at the mouth of Elk River due to erosion. By continuing to change the

SEP 21 2006



landscape situations like this will only continue to happen. Yes, I love to see progress and increased economic benefit. I only ask that Mr. Christopher reconsider the location of this dock project to the slough area that is attached or even on other property that is accessible to these home owners. Thank you for your consideration and please consider having a public hearing regarding this issue.

Thanks,  
Randy Comer

40 Bluff Dr  
Rogersville, AZ  
35652

256-233-9172

22 SEP 2006

September 19, 2006

Nashville District Corps of Engineers, Regulatory Branch  
3701 Bell Road  
Nashville, TN 37214

Attn: Lisa Morris

This is a letter concerning application no. 2006-01721, for two fixed docks on the Elk River in Limestone County. I would like to request a public hearing on this permit. I feel that the request for 260' docks would extend out to far into the river. I was approved to build dock for 150' out. It was my understanding that a dock could only extend out that far. If the docks are built they will be just over 100' from my property that is going to be too close. The docks will be only a few yards from my dad's property line. I want to look out for the safety of the family while we may be swimming, skiing, taking off on the jet ski or fishing.

I feel that the residents on the Lauderdale County side could be faced with boaters getting closer to the shoreline to avoid those long piers taking up traveling space. I enjoy looking out over the river from my home. Docks built to the person's request will hinder the view, especially if big boats are tied up to them, plus it would give the area more of a commercial look. What has happened to the peace and quiet that we used to have here on the river? I feel that commercial fishermen, recreational fishermen, boaters, skiers, all types of animals in that area, and nature sightseers will feel an impact should permission be granted to build the docks.

Please, let me know if a public meeting will be held. When the decision is granted or denied about the docks I would like to be notified.

Thank you,

Sharon Ezell Bridges

Mailing address:  
Sharon E. Bridges  
3055 Ezell Point Way  
Athens, AL 35611  
sharonbridges@bellsouth.net  
Phone: 256-729-8675 or 256-777-4371

(4b)

**Morris, Lisa R LRN**

**From:** Turner, Heather Leanne [hltturner@tva.gov]  
**Sent:** Tuesday, September 26, 2006 8:27 AM  
**To:** Morris, Lisa R LRN  
**Subject:** FW: Two Docks on the Elk River 2006-01721.doc

Lisa -

Wasn't sure if Mrs. Bridges had sent this to you also.

Heather

**From:** Sharon Bridges [mailto:sharonbridges@bellsouth.net]  
**Sent:** Tuesday, September 26, 2006 7:30 AM  
**To:** Turner, Heather Leanne  
**Subject:** Two Docks on the Elk River 2006-01721.doc

Hello Heather,

I am, Sharon Ezell Bridges, the home owner next the construction of the five story condominiums at the Point. My property and the property of my parents are not a part of the Point subdivision. Mrs. Morris sent me information regarding public notice of the two docks that may be built just over 100' from my property line, if permission is given. My husband and I are totally against docks of that magnification. It was my understanding that docks could only go out into the water 150' at this location. The request for 260' for two docks is 110' further, that is asking for way too much use of public water. Mr. Christopher mentioned to me that a lot of the people would not be living here full time, so why two docks. As you know he already has two docks in the slough right behind the condos in walking distance of the condo owners. If the docks are to be extended so far out, is one part of this for the tie up of big boats, if so, he has boat slips in a slough where he dredged out tons and tons of the river bed, those big boats can be tied to a boat slip there and the owners can drive a very short distance.

Two docks or one dock going out into the Elk River 260' will interfere with our view of the river, view of the Lauderdale County side of the Elk, interfere with the fishermen that float along the bank and fish, interfere with skiing, people sight seeing either by boat or jet skis, fishermen coming from the Elk River bridge in fishing competitions these men are moving fast to get to their favorite fishing hole before someone else gets it so it is very possible that they will need to slow down to miss the docks or they may get closer to the west side of the Elk where many residents live, and then again those docks could put any type of river traffic closer to those people. Let's look out for the safety of all on the river, the enjoyment of fishing, skiing, and for the scenic view of us who live on the river by not permitting long bulky docks to be built.

I hope that a public hearing will be held soon for a discussion of this requested permit 2006-01721.

Thank you,  
Sharon Ezell Bridges

9/26/2006

(5)

**Morris, Lisa R LRN**

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**From:** maudezell@bellsouth.net  
**Sent:** Wednesday, September 27, 2006 11:13 AM  
**To:** Morris, Lisa R LRN  
**Cc:** hlturner@tva.gov  
**Subject:** Proposed Two Rivers LLC Docks

As a lifetime resident of Limestone County and an owner of land that abuts the area where Two Rivers LLC plans to construct two docks, I feel that I have a vested interest in the construction of these sites. My family has owned this land for fifty years; therefore, there are several reasons why I am opposed to the erecting of the docks, and I would greatly appreciate an open forum to determine the minds of others who are directly involved.

Because the docks are proposed to be constructed on land adjacent to my land, I am concerned that the value of my land would depreciate considerably because of their existence. The docks and the boat traffic caused by them will cause a definite obstruction of the view, hazard to the people who have skied and pleasure ridden on that part of the rivers for years, and danger to the wildlife that returns to this area each year.

Your expeditious attention to this matter will be greatly appreciated. Many of us who own property at the planned site are very upset about the proposal and will be grateful for any assistance you can give us.

Respectfully,

Charles Ezell  
(256) 729-6367  
(256) 777-8124

16194 Ezell Rd  
Athens, AL 35611-8103

**Morris, Lisa R LRN**

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**From:** pamgordon123@bellsouth.net  
**Sent:** Wednesday, September 27, 2006 10:50 AM  
**To:** Morris, Lisa R LRN  
**Cc:** hlturner@tva.gov  
**Subject:** Proposed Two Rivers LLC Docks

I would like to request a public hearing regarding the building of the two docks where the Elk River flows into the Tennessee River. I have swum, fished, and boated in this area for all of my life, and I feel that the proposed docks will be dangerous both to the families and the wildlife who share this particular area.

During the summer months the area where Two Rivers LLC plans to build the docks is a greatly congested area because many families spend their summers skiing and boat riding especially moving into the calmer Elk River where the docks will be. I am not sure about the TVA specifications regarding the length and width of any obstruction jutting out into the river, but I do know that there does not need to be two 260-foot docks to increase the crowding of an already heavily trafficked mouth of the Elk River. My concern is for the safety of the individuals and of the wildlife that returns to the Elk each year.

My family and I will appreciate very much anything you can do to prevent what might prove to be a deadly situation here close to my own home.

Sincerely,

Pam Gordon  
12473 Davis Rd.  
Athens, AL 35611  
(256) 729-5349  
(256) 777-1551 (Cell)

48 Bluff Drive  
Rogersville, AL 35652

Nashville District Corps of Engineers  
Regulatory Branch  
3701 Bell Road  
Nashville, TN 37214

Attn: Lisa Morris

September 26, 2006

**Re: Application No. 2006-01721**

The proposal of Two Rivers, LLC, to build two 260-foot fixed docks on Elk River is absolutely outrageous. How can one company profit from the use of public property (in this case, water) at the expense of other taxpayers' right to enjoy the peace and tranquility of their homes?

We who live in the Elk River/Wheeler Lake area are not transients. We located here with the intent of living out our lives in this place, enjoying the natural beauty and serenity of this part of Alabama. This area is renowned for its historic Native American cultural resources, as evidenced by Indian relics collected from this area. Additionally, migrating ducks and birds pass this way twice a year. They land in the river, just outside my door, by the hundreds. Will they continue to do so if two huge concrete fingers are in their space?

The City of Fairhope, Alabama has one fixed dock (pier) on the eastern shore of Mobile Bay to serve two counties, Mobile and Baldwin, as well as the many tourists who visit that city. The State of Alabama has one pier in Gulf State Park on the Gulf of Mexico for locals and the thousands of tourists who visit every year. I would like to point out that these two public fixed docks are not visible from the opposite shore, so they do not mar the view from the other side. Two Rivers wants to build *two* private docks for 61 condominiums? How much lighting will be required in order for these docks to be safe for the fishermen who run up and down the river at all times of the night? Would adequate lighting be a nuisance to nearby residents? No person or company has the right to interfere with an entire community's space, ruining the view and making it dangerous for birds and boaters.

It would be much more appropriate for Two Rivers to build a river walk. A lighted walk along the river, with benches and picnic tables, would be aesthetically pleasing on both sides of the river. If not a river walk, one or two much shorter docks could be built; docks not intrusive to the river – similar to the residential docks. These smaller docks don't interfere with river traffic or diminish the beauty of the surroundings.

The Corps and TVA indicate that they will consider aesthetics, cultural values, land use, consideration of property ownership and, in general, the needs and welfare of the people. If this application is approved, only the needs and welfare of one land developer will have been considered. I respectfully request that a public hearing be held in order for these and other issues to be discussed in an open forum.

Respectfully submitted,

  
Nobie C. Bell

SEP 29 2006

9-16-06

TO LISA MORRIS  
Corps of Engineers  
3701 BELL ROAD  
NASHVILLE, TN 37214

SUBJECT - Two Rivers Condominium

I am a property owner of the Condominium  
and request that the TVA approve the  
Two Rivers LLC Partition.

Thanks,  
Andy Beasley

A. D. BEASLEY  
305 Meadow Way  
Athens, AL 35613

SEP 18 2006

Catherine Tackett

00 NOV 2006

11-1-06

Dear Lisa,

In July President Bush issued an executive order forbidding a federal agency from using eminent domain for economic development. The permits obtained by Billy Christopher, a private developer, for 5 or 6 huge community boat docks, (These are not for the community however) on lower Elk River, is contrary to this executive order.

My husband and I live a mile north of where these boat docks would be located. We were never notified of the application for the boat docks, I believe to be fair, at least TVA or the Corps of Engineers should have had a public hearing concerning the effect of the docks on the fishing, recreation, and environment of the area.

Please help us! If you could see the area you would know that these docks will ruin the "entrance" to Elk River. Elk River is narrow in that area and the fishing, skiing, canoeing, and kayaking will be ruined for the residents of that area. Many of us take our Pontoon boats (or our neighbors) and ride to that area and watch the sunset. This will no longer be possible if the docks are built.

Again, I ask for your fairness for the residents of Elk River. The developer of THE POINTE, Billy Christopher, has already dredged an area of the ELK that has ruined a spawning area for many pan fish. If allowed to dredge for these boat docks the environment will be affected adversely forever.

Catherine Tackett

Please help us preserve the beauty of this area, along with the environment, so our children can love Elk River as we do.

Thank you,

Catherine Tackett  
1774 Julia Circle East  
Rogersville, Ar 35652



US Army Corps of Engineers,  
3701 Bell Rd,  
Nashville, TN. 37214  
Attn: Lisa Morris  
VIA FAX to TVA Heather Turner 256-386-2559

REF: PN 06-92

Dear Corps of Engineers:

The Rogersville Special Interest Group of the Shoals Environmental Alliance would like to submit the following comments regarding Proposed Community Fixed Docks (Two Rivers Condominiums).

1) We believe that inadequate notice was given to the public regarding this application. Our informal survey of community residents indicates only those within a few hundred feet of the proposed project were notified of the application. No Public Notice was published in the East Lauderdale News, the newspaper of record serving the community surrounding and impacted by the project. Residents of the immediate vicinity beyond a few hundred feet, who would likely be impacted by the project, were not notified.

2) The application makes no mention of the proposed project described in PN 05-70, the Elk River Resort/Marina. This project is located in the immediate vicinity of the docks proposed by the applicant. Given the intimate proximity of the two projects, their cumulative synergistic effects must logically be considered yet the referenced project is described as if it was the only project proposed for that locality. We believe that the applicant should incorporate descriptions and maps of nearby proposed projects that are still being considered by either the Corps or TVA.

3) In July, 2006 President Bush issued an executive order forbidding any federal agency from using eminent domain for economic development. We believe that transfer of the valuable public water resources acquired by eminent domain to Two Rivers Condominiums (a private for-profit entity) is contrary to the spirit and intent, if not the letter, of that executive order.

For the above reasons, we request that public hearings be held regarding the proposed project and that notice be posted in the East Lauderdale News (256-247-5565) of such hearings.

We thank you for this opportunity to submit these comments.

Sincerely,

Nalie L Bell  
48 Bluff Drive  
Rogersville, TN 37652

0 7 10 2006

- What this developer wants is  
outrageous!!

## Morris, Lisa R LRN

**From:** AliceKellyJ@aol.com  
**Sent:** Saturday, October 21, 2006 2:05 PM  
**To:** Morris, Lisa R LRN  
**Subject:** The Point...

REF: PN 06-92

US Army corps of Engineers:

Upon hearing about the proposed TWO DOCKS that will project 260' into the waterways at the point where Elk River flows into the Tenn. River I was shocked.

1. Hasn't this development already been given permission to build docks/boat slips in an adjoining slue at the expense of hundreds of linear feet of natural shoreline and thousands of cubic feet of natural waterways? This area has always been the private protected home for the many varieties of fish that stock our waters but will never be again ... EVER. The already permitted docks/structures should provide sufficient water access for all of the residents of The Pointe development. Why destroy the pristine beauty and ecological balance of an additional 1700+ feet of shoreline and, also, construct two docks that are close to the length of football fields??? The use of eminent domain for this private economical development is contrary to an executive order by our president, in my opinion.

2. An additional proposed project, PN 05-70, has requested similar uses of our shoreline and waterways. This development is directly across from The Pointe. At least this project would provide services (gas/food) and use (picnic/fishing) to all of our citizens. The Pointe is private property and use is restricted to the few weekenders/residents who will occupy the location.

Even though we take our natural resources for granted most of the time, threats like this always awaken the reality of how irreplaceable they are.

PLEASE PROTECT THE FUTURE THAT BELONGS TO OUR CHILDREN.

Alice Kelly Johnson  
254 Elk Point Road  
Elk River  
Rogersville, Al 35652

256-247-3638

October 24, 2006

U.S. Army Corps of Engineers  
3701 Bell Rd  
Nashville, TN 37214  
Attn: Lisa Morris

Ref: PN 06-92

Dear Corps of Engineers:

As members of the Rogersville Special Interest Group of the Shoals Environmental Alliance, we take great interest in the Proposed Community Fixed Docks (Two Rivers Condominiums). Our home is on Little Tom Road near Rogersville and sits on a bluff overlooking Sugar Creek, a tributary of the Elk River. Along with our many friends who reside along the shores of the Elk River system, we treasure the thriving populations of fish and aquatic birds on the Elk.

We understand that the public notice of the Proposed Community Fixed Docks only went out to residents living a few hundred feet from this location. This inadequate public notice fails to respect the rights of the Elk River community to have full access to this information.

There is no mention of the proposed Elk River Resort/Marina development or the combined impact of these two developments on the Elk River system.

In July, 2006, President Bush issued an executive order forbidding any federal agency from using eminent domain for economic development. This transfer of a valuable public property to a for-profit corporation is a violation of the spirit, if not the words, of the President's order.

We request that this permit be denied and that a well-publicized public hearing be held to allow the community full knowledge and opportunity for response to this permit application.

Sincerely,



Carla and Woodfin Gregg  
PO Box 184  
Athens, AL 35612

30 OCT 2006

Lisa Morris - US Army Corp of Engineers

1018-06

Dear Ms. Morris:

I called you today to voice my opposition to the community dock requested by Two Rivers LLC/Billy Christopher/The Pointe or whoever it is. It is the one for the 61 condominiums he is building.

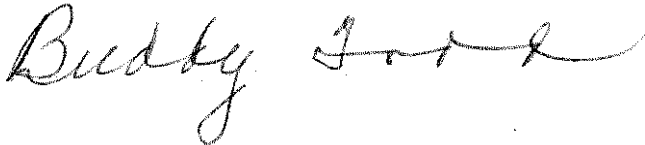
Please deny the permit. I live within a mile of it. It's already an ugly mess down there. With it and Bubba Doss's marina, there will be absolutely too much traffic and pollution on Elk River. Plus, it appears the government and the public are not being paid fair value for it's waterways. It makes no difference if he has agreed to go out 300 feet, 100 feet or even 10 feet. He already has permits for more than enough community docks on public waterways.

I did not get notice about this dock request. Please mail a copy of the notice to me so I can make further comments. I also request a hearing so that the public will have a chance to review this situation and then voice their concerns to TVA.

I am elderly. I do not own a computer. Since you would not take my comments by phone, I had a neighbor type this letter for me. I do not think it's fair for TVA to give public assets to private developers without them paying full value for it.

We like to take the family out on Elk River. Developers are ruining the shoreline. It may be their right to build on private land, but we do not have to make it worse by giving them our river for their own private gain.

Sincerely,



Buddy Todd  
247-5600  
136 Julia Circle  
Rogersville, AL. 35652

23 OCT 2006

**Morris, Lisa R LRN**

**From:** bobfreeman@earthlink.net  
**Sent:** Tuesday, October 17, 2006 9:50 AM  
**To:** Morris, Lisa R LRN  
**Cc:** glen.jones  
**Subject:** FW: Elk River, community boat dock for 61 condos.

Lisa - A guy that fishes in the area of Da Pointe sent this to me and said he got this back; that it was undeliverable to you. Please incorporate his letter in your file.  
Is there something wrong with the email address he used? - it looks just the same as I have been using.  
Thanks,  
Bob Freeman

bobfreeman@earthlink.net  
EarthLink Revolves Around You.

----- Original Message -----

**From:** Glen Jones  
**To:** [lisa.r.morris@lm02.usace.army.mil](mailto:lisa.r.morris@lm02.usace.army.mil)  
**Sent:** 10/16/2006 7:27:12 PM  
**Subject:** Elk River, community boat dock for 61 condos.

Ms Morris,

It has come to my attention that a private developer has applied to put a community boat dock at the mouth of the Elk River. I wish to take a moment to provide you with my feedback regarding the potential change to this excellent fishing and recreation location.

Simply stated, I am opposed to the community dock relative Public Notice 06-92, Application # 2006-07721. A large community dock poses a potential danger to the environment due to gas or oil spillage. There is already a large amount of pleasure and fishing craft activity in this area and this dock will certainly cause the activity to increase. This is an excellent fishing area and a fish spawning area that will be forever disturbed with this type of facility introduced to the area. There are already free public water access in the immediate area.

My home is actually in Huntsville, AL. This particular area of the Elk River is such a good fishing location that I routinely travel there to fish. I, as many other, take a personal interest in wanting to preserve this for future fishermen. Development of this area eliminates another natural fish spawning area adding pressure to many species such as Crappie, Bass, Bream, Stripe, etc.

I thank you for your consideration of my input as a part of the process in deciding a course of action on this natural resource.

Please contact me using the information below should you have any questions.

--

William 'Glen' Jones  
Marshall Space Flight Center  
Engineering Directorate  
Spacecraft and Vehicle Systems Department, EV03  
Desk #---256-544-2424  
Cell #----256-651-7991  
[Glen.Jones@nasa.gov](mailto:Glen.Jones@nasa.gov)

10/17/2006

**Morris, Lisa R LRN**

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**From:** bobfreeman@earthlink.net  
**Sent:** Monday, October 16, 2006 11:21 AM  
**To:** Morris, Lisa R LRN  
**Subject:** Comments - Public Notice 06-92

Lisa Morris, Nashville District Corp of Engineers

Re: Public Notice 06-92

Application # 2006-07721

Dear Ms. Morris:

I appreciate you talking to me recently about Public Notice 06-92, The Pointe, Two Rivers LLC, and their request for a huge community boat dock on lower Elk River.

Unfortunately, TVA's Public Notice was insufficient. I live on Elk River approximately only One Mile from the area where this dock will possibly be built. I did not find out about this in time to respond by 9-29-06. I checked with several neighbors and they did not know it either. Apparently, TVA gave only minimal notice. As far as I can tell, the only notice was to the people in the immediate area of less than a few blocks from the proposed dock and possibly a small newspaper in Athens. If possible, please send a list to me by email of the places where TVA gave Public Notice.

During my conversations with neighbors, I found only one that knew about it. It is certain that Notice was not sufficient in that too many citizens who own property on Elk River and Wheeler Lake were apparently unaware. Although, I have made an effort to inform as many people as I can, I am unable to inform everyone that should be made aware. A hearing is requested so that the public can be properly informed and then voice their concerns.

In the event that a hearing will not be forthcoming, I am requesting that the comment period be extended until TVA places Public Notice in Athens Courier ( if not already posted), Lauderdale County News, Times Daily of Florence, Decatur Daily, and Huntsville Times. All of these papers are distributed to areas where people who may own property nearby reside. In addition, I am requesting that Notices be distributed to all residences on both sides of Elk River from at least Highway 72 Bridge to the mouth and all residences on North side of Wheeler Lake from Wheeler Dam to Browns Ferry. After Notices have been distributed, it is requested that the period for Public Comment be extended for 30 days from the date these Notices are distributed. If a hearing is imminent, then please disregard the request for an additional comment period.

The dock in question requires a huge chunk of Public Waterways for what appears the personal gain of private developer(s). It appears that the only benefit to TVA and the Public will be the small cost for the application and the small fee for such a structure. This is the first issue that must be investigated by TVA, independent auditors, and other governmental agencies. If the dock is allowed, the Public should be paid for the use of it's waterways. From many years experience in real estate and from living on Elk River since 1977, I have observed that having a boat dock will increase the value of the owner's adjacent property by anywhere from \$10,000.00 to \$50,000.00 above the cost of the structure. The Fair Market Value depends, of course, upon location, size of the dock, accessibility, etc. It appears that the 61 condominiums will increase in value by no less than \$10,000 each. This would increase the value by approximately \$610,000.00 at the very least. I have nothing against people making money. However, there is something seriously wrong when they do it at the public's expense. There is no reason for TVA to simply grant this dock for a paltry fee.

In addition to TVA requiring a percentage of the increase in Fair Market Value, the developers may require a fee for condo owners to park their boats. If so, TVA and the public should get a fair percentage of those profits.

It appears that TVA is trying to correct past problems which involved giving public land or public waterways to

10/16/2006

private developers for free. The new Land Policy is a giant step in correcting some of those problems. Unfortunately, The Land Policy doesn't address the problems with this application. It is requested that TVA review the financial aspect of this application and any other request for Public Land or Public Waterways.

If I am correct that the net profit for TVA will only be the fees, then I request that TVA and it's board of directors review the entire policy of issuing docks to private owners, especially community docks for condominiums and other off shore residences. If TVA and the public get no funds for our public waterways, then it is absurd to grant access for any community dock. TVA and the public should get no less than half of the increased land value.

Another issue concerns the destruction of more public waterways. The Pointe and/or Two Rivers have already been issued permits for 5 or 6 huge community docks. The one they have already built included a huge chunk of dredging in a slough for the dock. That slough was a prime spawning area for Crappie, Bass, Shellcrackers, and Bream. Since it was built over two spawning seasons ago, the slough has been ruined. Not only does the structure go over S way across the slough, almost blocking public access, but the dredging ruined it for fishing. I have personally checked the area during spawning season and the fish are simply not there. For years, that slough was heavily used for spawning. Enough public water in that area has already been ruined for fishing purposes.

<mailto:bobfreeman@earthlink.net>If this dock is allowed, further public fishing areas will be ruined. Many fishermen troll that area for fish all year long. A dock with a walkway of almost 300 feet will block the public from trolling in the area. This is totally unnecessary and TVA should consider the public's needs rather than the needs of private developers. TVA has already allowed more than enough community boat docks for their use. All those condominium owners can't possibly want a place for a boat. Many people live here simply to enjoy the view and never go out on the river. Please deny this permit. It is of no value to the public and I believe totally unnecessary.

Another issue is that TVA appears to be ignoring the cumulative destruction of the environment. The Elk River is already over-crowded. Human abuse has made it such that it is apparently dying. The fishing has been almost destroyed. When I first moved here in 1977, you could go out most any afternoon and catch a mess of Crappie or other pan fish. Bass in the 5 to 8 pound range were common. Today, even during spawning season, if you can catch 3 or more Crappie, you have had an exceptional day. Bass are normally very small now. Shellcrackers are almost nonexistent. I realize that sediment and runoff from nearby farms and ranches have caused some of this. But the main problem has come from too many people abusing the river. The cumulative affect has made it so polluted that my family has not been swimming in it for many years. It is so polluted, it stinks at times.

More and more boats mean more and more oil and gas spillage. Sometimes, you can see the film around community docks and marinas. In addition, there is no way the sewage and human waste can be kept out of the river. All that land at The Pointe is low and flat. In addition, the water is very shallow. It slopes very slowly out into the river. There are no public restrooms in that area. The condominiums will be too far away. There is little doubt that some people will simply use Elk River for a restroom. If you allow such a dock, please require that public restrooms be constructed and maintained. Please require that all sewage will be pumped away from Elk River to a processing center as far away from the river as possible.

There is no reason for TVA to allow another community dock on lower Elk River. TVA nor the Public has anything to gain. Elk River is already overpopulated. A hearing is requested concerning Public Notice 06-92. Please advise me as soon as you can as to the questions and concerns outlined in this letter.

Sincerely,

Robert F. Freeman

301 Poplar Springs Drive

Rogersville, Ala. 35652

256-247-0734

10/16/2006

US Army Corp of Engineers  
3701 Bell Road  
Nashville, TN 37214  
Attention: Lisa Morris

Reference: Public Notice 06-92

Dear Corps of Engineers:

I would like to go on record as being opposed to the construction of two large docks at the mouth of the Elk River by the developer of The Pointe. These have been described as community docks but they are not intended for use by the community. These docks are intended for use solely by the occupants of a 61 unit condominium complex. The developer has already been granted permission to construct 5 or 6 large community boat docks which should adequately serve the occupants of the condominium. The main purpose of the proposed docks is to greatly increase the developer's profit, unfortunately at the public's expense. Why should a large developer be given such exclusive access and use of public land and water? For the minimum sum of application and permit fees one person stands to make a tremendous amount of money off a public resource that can never be replaced.

The area in question possesses tremendous natural beauty and uniqueness. It is located at the point at which the Elk River flows into the Tennessee River. The Elk is unique in that it does not have heavy industry located on it and it remains fairly unpolluted. These docks are also located directly across from the proposed Elk River Resort and Marina. The cumulative effects should be considered.

Please give the public a chance to voice their opinions concerning this application. Public hearings, advertised in the local paper (East Lauderdale News), would give both parties a chance to voice their opinions. Please consider this proposal.

Sincerely,

Myra Sledge Belue  
Elk River resident